

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RANDY WILLIAMS,

Petitioner,

-v.-

9:03-CV-568
(LEK)(RFT)

GEORGE DUNCAN,

Respondent.

APPEARANCES:

OF COUNSEL:

RANDY WILLIAMS
Petitioner, *pro se*
01-B-0247
Elmira Correctional Facility
Box 500
Elmira, New York 14902-0500

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MARIA MORAN, ESQ.
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RANDOLPH F. TREECE, U.S. MAGISTRATE JUDGE

ORDER

Presently before the Court is a written statement filed by *pro se* Petitioner Randy Williams pursuant to this Court's Order, dated April 15, 2004. The April Order stayed this matter until Petitioner notified the Court that he had fully exhausted his pending state court appeals. The Respondent previously answered the original Petition. Dkt. No. 15.

Petitioner has now advised the Court that he has exhausted his appeals. Dkt. Nos. 35 and 38. Accordingly, the Respondent shall now be permitted an opportunity to file an amended response to the Petition and will be required to file the state court records from the Petitioner's

Criminal Procedure Law (CPL) § 440 proceedings that have recently concluded in the state courts.

WHEREFORE, it is hereby

ORDERED, that within sixty (60) days of the date of receipt of this Order, the Respondent may file and serve an amended answer Petition; and it is further

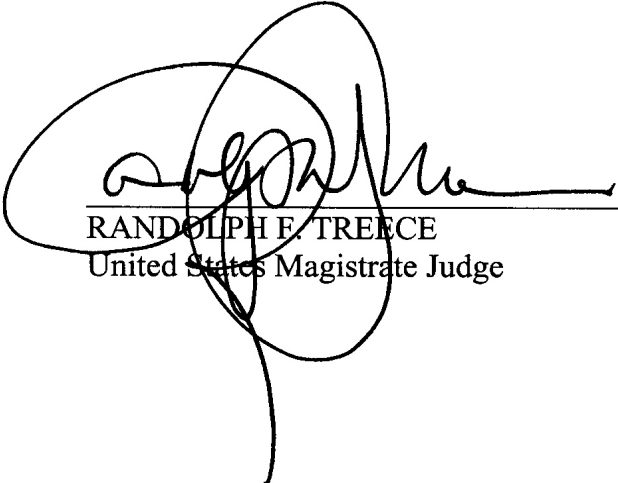
ORDERED, that within sixty (60) days of the date of receipt of this Order, the Respondent shall file the state court records from the CPL § 440 proceedings that have recently concluded in the state courts relative to the claims asserted in the Petition before the Court; and it is further

ORDERED, that upon the filing of such amended Answer and the state court records, the Clerk is directed to forward the entire file on this matter to the assigned Magistrate Judge; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Date: August 1, 2005
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge